

COHEN & GREEN

July 12, 2022

Hon. John P. Cronan, U.S.D.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

By Electronic Filing.

Re: Curran-Groome v. City of New York, 22-cv-00710

Dear Judge Cronan:

I am co-counsel for Plaintiff in the above-captioned matter. I write to request the Court's permission to file a letter under seal that discusses settlement issues that are not necessarily appropriate for the public docket. Per the Court's Individual Rules, I have consulted with Defendants' counsel, who stated they agreed the letter was inappropriate for public filing.

The letter at issue is a request to be relieved of the obligation to attend 1983 Plan Mediation, because Defendants have confirmed they are in a no pay position. The contents of the letter contain discussions of settlement positions that are not of interest to the public — but would prejudice both Plaintiff and the City should they become public. While there is a presumption of public access, as set out in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), that presumption is weaker when — as opposed to summary judgment on a case of some public interest — the documents concern merely the parties' attendance at a mediation session. We believe, on evaluation of the motion's contents, the Court will see why we believe those contents do not implicate the public's interest in the resolution of cases — but do implicate the parties' and the Court's mutual interest in frank settlement discussions.

Thank you for your attention to this matter.

The Court grants Plaintiff's sealing request because the letter contains substantive discussions about the parties' settlement discussions. *See United States v. Glens Falls Newspapers, Inc.*, 160 F.3d 853, 857 (2d Cir. 1998) (holding that there is no presumptive right of access to settlement discussions and documents). Plaintiff's request to remove this case from the 1983 Plan under SDNY Local Civil Rule 83.10 is denied; Plaintiff has not shown good cause for the Court to revisit its previous order. *See* Dkt. 21. The Clerk of the Court is respectfully directed to close the motions pending at Docket Numbers 33 and 34.

SO ORDERED.

Date: July 13, 2022

New York, New York



JOHN P. CRONAN
United States District Judge

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN&GREEN P.L.L.C.

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cc:

All relevant parties by ECF.